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JAMES RUSSELL LOWELL, CORRESPONDING EDITORS

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SELECTIONS.

following is the opinion of United Sta

Tigs following is commissioner Curtis, delivered last week in Bosto in the case of Thomas Sims:—
On Friday last, Thomas Sims, a man of colo

on Friady we were of age, was brought before me under a warrant, issued at the instance of James Potter, a citizen of Chatham county, in the State of Georgia, who claims him as a fugitive from service. The hearing of this case has heen continued from day to day, until the present time, and I am the carrier of the continued to the continued to the carrier of the ca

That decision is wont explained to the extraction of mountain fall say, which I must examine and pass upon. The learned consued for the primer have argued win of the scot O Congress unless which was a state of the property of the property

was been told that my decision will send this men to perputual Shavey; and as it to increase to the utmost intensity the responsibility of acting according of its imperative requisitions, I have also been told that there are many persons in this community, fully, entitled to remain here, who will be placed practically and directly in the peril of its

"I am here to decide the grare question of law the decision of which, so far as the rights of the particle before me depend upon it, has been unavoid the particle before me depend upon it, has been unavoid the particle before me depend upon it, has been unavoid the particle before me depend upon it. The particle before me depend upon any consciention convictions of the truth, be an intellectual process, over which consequence, d, with all the attention I could command, to what the particle par

The learned counsel state to me, in the collere of concert with the Statute under which I act, which must be homilisting to this Court, and to every concert with the Statute under which I act, which when I are the I act which I act which I act which upon the manner in which the case was decided in the interned counsel supposed that the sum of fee upon the manner in which the case was decided in the interned in the sum of the sum of the sum of any question in this case, he did right in reminding Part it would, in my opinion, have been well, if the me that the Statute provides for a compensation Part is would, in my opinion, have been well, if the extension is the sum of the sum of the sum of the the distinction of the sum of the sum of the the distinction is the sum of the sum of the distinction to the sum of the sum of the sum of the distinction to the sum of the sum of the sum of the distinction to the in I'll deep on the sum of the distinction to the in I'll does not just see no cause of the distinction to the in I'll does not just see no cause of the distinction to the in I'll does not just see no cause of the distinction to the in I'll does not just see no cause of the distinction to the in I'll does not just see no cause of the distinction to the in I'll does not just see no cause of the sum of the distinction to the in I'll does not just see no cause of the distinction to the interned in the sum of the sum of the sum of the distinction to the sum of the sum of the sum of the sum of the distinction to the sum of the sum of the sum of the sum of the distinction to the sum of the sum of

In stang the views which I entertain of the varoos grounds of objection to the constitutionality of the law, urged by the learned consued for the prition of the price of the constitution of the contraction of the consumeration of the contraction of the consumeration of the conpet to convince, under the circumstances of the price to convince, under the circumstances of the control to do not it starp part of my darty of demanding of it, will be fully discharged by stating are been discensed. Nor shall I undertake to exmine arguments that have been made clewhere, once a suppression of the control of the defamation, that have left eithers to the opinions which they entertain, with regard to this consiste-

The first objection taken by the learned counset for the prisoner to the posture to order the prisoner to the

The principal authority relied you by the learned must do assists in their position that the power consumed to assists in their position that the power consumed to assists in the power consumer to the principal to the principal

of the force and effect of any passage in the opinic of a Court depends, of a course, upon the questic decided, and upon the course of reasoning employer in coming to the decision. The great question raised and decided in Prigg's case were, whether is matter of jurisdiction. le general government, or nopo the state governneurs; and if good he general government, wheevernment government, or the following of the constitution in general control to the following post the general government; and being imposed good the general government; and being imposed good the general government; and being imposed and government; and being imposed are principle. The general government is and the grant, that Congress and the grant, that Congress are good and the grant, that Congress are good in the grant, that Congress are good in the grant, that Congress the good of the grant, that Congress are good in the grant good of the good o

clied at the bar, and which I have just read. The held first, that a claim for the possession of a figuitive slare was a case arising under the Constitution of the United States, and so was within the grant of judicial power which that constitution lad conferred upon the general governstudies line conferred upon the general governs to the judicial power which that constitution is not stated in the conferred upon the general governs of the States, it will be considered upon the conferred upon the mode and center in which the conferred upon the mode and center in which the conferred upon the mode and center in which the conferred upon the conferred upon

Now, the learned counsel for the prisoner have insisted most strenously on the first of these positions, but they have said nothing with regard to the second. I see not why they are not both equally blinding upon my judicial conscience. They are all of the said and the said of the said of the said of the all of the said of the said of the said of the said of the and if I am to take the one, as I certified in regard it, to be settled law, I am equally bound for regard

I admit, then bullt, that a claim for a fugitive alare is case between parties, artings under the Constitution of the United States, and therefore that it shoughts the justical power of the United States. It is the properties of the Constitution of the Constitution

and had been for a very long time previous, has in a consequence of the consequence of th

In like manner, a sheriff ne England has a judicial reaperity, and performs several judicial functions. In this judicial capacity, any Blackstone, he is value and under, in his county court, and he has also a judicial power in divern other civil cases." (4 Blackstone Com. 343). Yet the sheriff, instead of being appointed quandris se bene gesserif, and with a stated salary, is appointed for a year, and receives

no salary.

It is unaccessary to multiply these illustrations from English usage, to show that there is a class of ounquiries of a picielia insure, constituting in one consideration of the considera

control of some and the writter constitutions, carefully spenaring the indicated from the other powers of government, and strictly defining the power of government, and strictly defining the power of the control of of Rights, moreover, with great stringency delares a that orither the legislative, exceeped the power of Rights, moreover, with great stringency delares a that orither the legislative, exceeped the control of Rights, moreover, with great stringency delares a that orither the legislative, exceeped of the colors, "I to the end it may be a government of laws and not of men." Yet the Legislature of the total colors of the colors, "I to the original to the colors of the colors, and the colors of the colors of the colors, and the colors of the colors of the colors of the colors, and the colors of th

not a judge, or a "judicial officer," within the surgo of the Constitute, and important duties im-So also, mante upon Commissioners of Insolvency Commissioners of Commissioners of Insolvency Commissioners of Commissioners of Insolvency Commissioners of Commissioners of Commissioners, and any one suppose that it is spotturent and tenure of Commissioners of Commissioners, and tenure of Commissioners of Commissioners, and tenure of the Country of Commissioners, but in this country is a Country Commissioners, but in this country country Commissioners, but in this country commissioners of Country Commissioners, but in this country Commissioners, but in this country Commissioners is upostume successful to

the prevailing lane? of the street, with the practice of this Commonwary to Bit shows that here, as cleavebers, II commonwary to Bit shows that here, as cleavebers, II commonwary to Bit shows that there are certain and must be exercised by interior officers, not appointed, qualified, or commissioned as the countries of the State requires Judges to greatly tution of the State requires Judges to greatly and the commissioned. All officers of the state requires Judges to greatly and the government, and the state, Under that government, for stance, there is an officer than the stance of the stan

rival inventors is entitled to a parent, as a case arising under the Constitution and laws of the United Section in the Constitution and the Constitution and the Constitution of the Commission of the Commission of the Commissioner is final as to a present right; for although the validity of the parent may be constead elsewhere, yet the parent may be consteaded elsewhere, yet the yet of the Constitution of the Commission of the Commission of the Constitution of t

control to the dot Junges. We cold seem, that is error, government, but seem, and ministered by a judiciary, there must be a class of judicial inquiries, enhance dwithin the general compass of the judicial power, but from their special, limited and ministerial mark, expable, without riobting any constitutional Courts, and intrusted to ministerial mark, expable, without riobting any constitutional Courts, and intrusted to officers specially subhorised many conductions of the conduct them. It may be difficult to define the boundary, on one side of which all these cases would marge themselves. It might be wholly inexpedient many them to be considered them. It might be supply inexpedient in its, no jurist case entertuin any doubt; and it seems to me the only question in this case is, whether Congress, in authorising these summary proceedings.

the prisoner. He minimis that this is a trial of the right of Thomas Sinta this litherty, and his the right of Thomas Sinta this litherty, and his the right of Thomas Sinta this litherty, and this was the right of Thomas Sinta this litherty, and this litherty and the right of the sint of the right of th

is act analogous to the frendition of fugitives from its assice, and that the two cases, to far as the powers it and duties of the general government are concerned. Si re of the same general character, and may appro-like the control of the contro

and removal of fugitives of both classes coincemplate summary ministerial proceedings, and not the only assument of the property of the proper

ings before a magistrate, upon which he may grant a warrant for a removal." (3 Story's Com. on the Constra, \$1800.

Constra, \$1800.

The constraint of the constraint of the constraint occurred. When the learned judge came to driver the opinion constraint of the subject of fugitives, which stand in juxtaposition with each other, and have been thought untitled to the subject of fugitives, which stand in juxtaposition with each other, and have been thought untitle the constraint of the constraint

"as clearly constitutional in diffus reasons? provilons, and with the exception of that part which confers authority on state magistance, as free from reason-ble doubt or difficulty. The state of the contraction of the conference of the conference of the congress to authorise summary ministerial proceedings in the case of one class of fugitive, as it is in the case of the other, for it is quite plain that they had authorised such proceedings in both.

In the addition to the authorities already rices to 8 this point, I may also rely on that of the Supreme Court of Tempelymain, who, in the year \$181 said with the second property of the suprement of the suprement of the second property of the second property of the constitution and heat of Congress, that the fugitive was to be delivered or second property of the se

he demands owen him service in another State; and when the Cammissioner is satisfied of this, he is to grant a certificate, which will authorize the removal, above that the is reful and final trial on the question of servitude, to say that the proof required to be force and effect of the evidence required by the state use must be limited to the object for which it is required; and if that object he, as it clearly is, to evaluate the remove of the control of the evidence required by the state of the control of the control of the control of the control of the evidence of the control of

be is surrendered to his owner, whereas a fugilive from justice is anxendered and state: for the fact from justice is surrendered to State: for the fact proceedings here are in either case, a trial of any-his genore than the right of removal. In both cases, the Government of the United States surrenders the fact that the right of the state of the control of the co

ingitire from justice, is no sipulate use a new shall fet tried. [Hex. State, 14.65, 78, 19.1] and State (Hex. 19.1) and Hex. 19.1 and Hex

se practical difficulties or improbabilities as to a first alter the figuries in returned. But the equestion here is whether the Government of the United to the first and the first and

se faith that it will do justice to its own subject.

Exactralizing, therefore, a very clear opinion that are a many control of the control o

this question was in no way involved in the decision. These are all the automittee clied at the har, some control of the contr

II. The second objection taken by the learned gonusel for the prisoner is that this proceeding is a suit at common law, in which either party has a sight to demand a trial by jury; and inasment as the Act of Congress has withheld a trial by jury, it is the constraint of the Amendments to the Constitution, which deleares, that "In suits at common law, where they rathe in controvery shall exceed twenty dollars, the jury law is the constitution, which deleares, that "In suits at common law, where they rathe in controvery shall exceed twenty dollars, the jury law is the control of the constitution.

right of trial by jury shall be preserved."

I have enderword, in the toregoing discussion, to show, on the authority of the Supreme Court of the bown on the authority of the Supreme Court of the Pennsylvania, on that of Mr. Josue Sloys as a Commentator on the Constitution, and by some views of my own, but his is a summary ministerial proceeding my own, but his is a summary ministerial proceeding my own, but his is a summary ministerial proceeding to the party is not in consessation here, for final adjudication. His his be so, and I can entertain to doubt that it is, this proceeding is not a sunt at of or fact, demand at rink by jury, if it were a proceeding in which the rights of the parties were to be tried for final adjudication, then I should agree, that trial by jury, if it were true that slaves are entitled to the benefits on the Constitution of the United States. But as I hold it to be a proceeding of an avivers an inquiry addeal in its nature, is merely provided in aid of a right of removal which the claimant would have without; in, more the Constitution of the Supreme Court of the United States, in Prigg's case, that the Constitution of the Supreme Court of the United States, in Prigg's case, that the Constitution of all its leading provision, if accurate constitutions I may like leading provisions, if accurate constitutions I may

. Till. The next objection taken by the learned counself of the prisoner is, that the Transcript of a Rec cord, authorised by the statute to be made in the
y State where the claimant resides, is incompetent
d evidence, Congress having no power to confer on
o State Courts authority to take such testimony.

The orgument in support of this objection is that the exercise of an auturity to the testimony to be used in this proceeding, or to find a fact involved in the decision to be made, in the exercise of judicial power which Congress—unto it assistantly conference of the control of the exercise of judicial power which Congress—unto it assistantly conference on the control of the exercise of the control of the process of the control of the co

"That when any person held to service or labor in any State or Territory, or in the Birstier of Columbia, shall escape the services, the Birty to whom the B

guny directed by the stuture to he made, before a greatest state of the made by a Court of Judge of the State from which he tignitive has ecosped. This past of the inquiry, he had be tignitive has ecosped. This past of the inquiry the head of the state from which he tignitive has ecosped. The person who so can be seen to the state of the sta

sinance of this class of cases:

A statute of this Cammonwalth, passed in 1838, directed, Banking Commissioners to be appointed by should be of opinion that any hank was insolven, or in a condition that made its further progress hazard-hould be of opinion that any hank was insolven, or in a condition that made its further progress hazard-hould be considered by the control of the

wrong, and be cannot now complain that he had no opportunity to cross-examine the witnesses. V. The last objection of the learned counsel is, that Congress have no power to legislate on the sub-

hat Congress have no power to legislate on the subect of the surrender of fugitive slaves, at all, bu hat it is a power and duty which belongs exclusively o the States.

I might rest here, wholly upon the authority of hat high tribunal which is appropriate a serile to

I migat test here, whonly upon the authority of that high tribunal which is supposed to settle the construction of the Constitution of the United State But as all these questions have been pressed upon me, in a manner to challenge my suparate and independent judgment, I shall briefly state my view of a question, which has long been part of the settled law of this country.

grounds on which this clause of the Constitution in solveleved in rest, in order to see in it a purpose which collected in rest, in order to see in it a purpose which collected in rest, in order to see in it as a purpose which collected in the seen to me manifestly of discharge such a purpose, the seen to me manifestly of discharge such a purpose, charged from their service or labor in the State to which they may have fiel, "in consequence of any law or regulation therein." It would seem, here-they have been supposed to the service of the s

Here, then, is a leading purpose, which the Constitution mean to secure and accomplish, and which must be accomplished by mean. The clause is an distingle annumentation of the principle that the law of a fire State shall not apply to a ingitive from serior state in the case of the case in an annumentation of the principle that the law of a fire State shall not apply to a ingitive from serior state in the case of the case in the case of the case o

But in the case of the prohibition in question, which forbits the law of a State from operating to which forbits the law of a State from operating to which forbits the law of a State from operating to there is superadded to the declaration of this principle the means of gring; it an immediate and certain operation, by the "delivery" of the person operation is the person operation of the person operation operation that it was united by the Constitution to issue the sold application that the prohibition, but they expended the prohibition that is desired. On the context, it is even to one that when the Constitution prohibited to discharge the obligation of service, and in order to operate the operation, provided that the party to obtain the person of the proper within the person of the proper within the proper which as alone effectually accomplish its—the general government. To this I have only to the proper within the proper within a salone effectually accomplish its—the general government. To this I have only to the proper within the

One other objection, of a technical character, reduction of the control of the

I now come to the evidence which has been offered here, to establish the vight of the alcimant evernews from this district Thomas Sins, the prisoner at the har. Two propositions are to be established affirmatively by the claimant in every case under this act. I. That some person owing service or lahor to claimant, escaped from the State where such acritice or labor was tury. 2d. That the prisoner unservice or labor was tury. 2d. That the prisoner un-

of a reres is the person was no studeped and in the status procedure as particular mode in which although is does not condine the claimant to the procedure of the procedure of the claimant to that articular form of grown of the reverse the claimant to that a particular form of grown form a status is concluded in the claimant of the person of the procedure of the fact, hat of an entripe the procedure of that fact, hat of anothing beyond it. The conclusive of that fact, hat of anothing beyond it. The conclusive of that fact, hat of anothing beyond it. The conclusive of that fact, hat of anothing beyond it. The conclusive of that fact, hat of anothing beyond it. The conclusive of that fact, hat of anothing beyond it. The conclusive of that fact, hat of anothing beyond it. The conclusion described the procedure and the grown described to the conclusion of the procedure and the procedure of the person to constantion, as long as a first procedure and the popular to constantion, as long as a first procedure and the person to constantion, as long as a first procedure and the procedur

The provision of the statuta, which prescribes tha mode in which a claimant may make this conclusive proof of the fact of an escape hy a person owing service to him, has already heen read.

It is not at all difficult to see the reason for the livestocking of the previous for the previous from the new Audigned for furnish a more effectual remedy than the old on, the three couplings of only time from series. Congress oriently considered that, from the great extent of the considered that the

Bational Anti-Slavery Standard.

AMERICAN ANTI-SLAVERY SOCIETY.

LAW-ABIDING BOSTON!

ne, Tarquemanda! fn-coless monsters, seek ANTI-SLAVERY CONVENTION IN CINCINNATI

Communications.

REPORT ON TEMPERANCE

Misellaneaus News.

NORFOLK COUNTY A. S. SOCIETY.

The Annual Meeting of the Norfolk County A Society will be held at Dedham, in Temper ance Hall
Thursday, April 23, at 10 o'clock, A. M., to chan
urough the day and evening. Messrs Garrison, Phi
no May Pillsbary and other accessors. ogether a great assembly of the enemies of Slaver; Norfolk county, and from other parts of the State. BMUND QUINOY, President ANNE W. WFFION, WILLIAM I. BOWDFICH, Secretaries.

WORCESTER CO. (SOUTH) ANTI-SLAVERY SOCIETY.

COULT! A STI-SLAYERY

The annual meeting of this Society, for the choice of meeting and other basiness, (nanvoidably postponed rout the regular time.) will be beld in Wonczerra, in the Oity Hall, commencing at 7 o'clock on Saturday, day and continuing on Sunday, day and continuing on Sunday, day and continuing.

vening.

The names of the speakers will be given next wee
The members and friends of the Society are request
o give a punctual attradance.

EFFINGHAM L. CAPRON, President.
JOHN H. CRANE, Secretary.

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An any of stage, but the stage of the stage

lead to a mountain present and, 1825."

Beliani was but firty fire years old when he died. A status of him was erocled at Padaus on the 4th of July 1827. Very recently the government of Great Britain bestowed on his widow the tardy solace of a small pession.

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From The Literary World. William Penn.

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NATIONAL ANTI-SLAVERY STANDARD.

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